STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
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October 6, 2010 Regulation Package #0709-07

CDSS MANUAL LETTER NO. CCL-10-11

TO: HOLDERS OF THE COMMUNITY CARE LICENSING MANUAL, TITLE 22, DIVISION 6, CHAPTER 8.8, FOSTER FAMILY AGENCIES

Regulation Package #0709-07 **Effective 10/03/2010**

Section 88065

This manual letter has been posted on the Office of Regulations Development website at http://www.cdss.ca.gov/ord/PG641.htm.

Assembly Bill (AB) 2096, (Chapter 483, Statutes of 2008), amended Welfare and Institutions Code Sections 362.05 and 727 and requires a group home administrator or facility manager, or his or her responsible designee to apply the "Reasonable and Prudent Parent Standard," as defined in 362.04(a)(2), when determining whether to allow group home children (i.e., wards and dependents) to participate in age-appropriate extracurricular, enrichment, and social activities. AB 2096 required designated staff to take steps to determine the appropriateness of the activity considering the child's age, maturity, and developmental level.

These regulations clarify and create standards for group home administrators or facility managers, or his or her designee in regard to applying a "Reasonable and Prudent Parent Standard." These regulations are intended to clarify the definition of "Reasonable and Prudent Parent Standard," to guide its application to group homes when determining whether to allow children (i.e., wards and dependents) to participate in age-appropriate and developmentally-appropriate extracurricular, enrichment, and social activities, and to amend various sections of the group home regulations to allow for the day-to-day application of this standard.

These regulations add new training requirements for specified staff in group homes, small family homes, foster family agencies, foster family homes, and transitional housing placement programs. As specified in Health and Safety Code Sections 1522.41 (c)(1)(J) and 1529.2 (b)(3)(G), amended by AB 3015, (Chapter 557, Statutes of 2008), this new training provides basic instruction on existing laws and procedures addressing the safety of foster youth at school and to ensure a harassment and violence free school environment.

These new training requirements will assist in educating group home administrators and licensed caregivers on what schools are doing to promote student safety, and harassment and violence prevention. Applicable statutes have been added to handbook for easy reference.

These regulations were considered at the Department's public hearings held on May 12, 2010.

FILING INSTRUCTIONS

Revisions to all manuals are indicated by a vertical line in the left margin. The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Community Care Licensing changes was Manual Letter No. CCL-10-10. The latest prior manual letter containing Foster Family Agencies regulation changes was Manual Letter No. CCL-08-07.

Page(s)	Replace(s)
29 through 30.3	Pages 29 through 30.2

Attachments

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88064 ADMINISTRATOR - QUALIFICATIONS AND DUTIES 88064

(a) In addition to Section 80064, the following shall apply:

(1) All foster family agencies shall have an administrator who shall meet one of the following requirements:

(A) A Master's Degree from an accredited or state approved graduate school, as defined in Section 94310 of the Education Code, in social work or social welfare, marriage, family and child counseling, counseling psychology, social psychology or equivalent education and experience as determined by the licensing agency. In addition, the administrator shall have demonstrated ability and leadership through a minimum of three years of experience in the field of child or family services, two years of which have been in an administrative or managerial position.

(B) A Bachelor's Degree in a behavioral science from an accredited college or university. In addition, the administrator shall have demonstrated ability and leadership through a minimum of five years of experience in the field of child or family services, two years of which have been in an administrative or managerial position.

(2) Foster family agency administrators hired before October 30, 1993, who do not meet the education and experience requirements shall remain qualified, provided they have no break exceeding three consecutive years in employment as a foster family agency administrator.

(3) The administrator shall be responsible for the operation of the foster family agency, including the following duties:

(A) Designating a staff person to perform the duties of the administrator in his/her absence from the facility who has the following qualifications.

1. Knowledge of the foster family agency operations.

2. Training in programs provided by the foster family agency.

88064 ADMINISTRATOR - QUALIFICATIONS AND DUTIES (Continued) **88064**

3. Designation as the authorized person to correct deficiencies that constitute immediate threats to the health and safety of children in the foster family agency certified family homes.

(B) Appointing and dismissing staff.

(C) Ensuring attendance at each board meeting by the chief executive officer, administrator, or designee.

(D) Mailing copies of all alleged child abuse or neglect, substantiated complaint, licensing, and incident reports to the Board of Directors.

(E) Organizing and carrying out a program of staff development for all staff members.

(F) Ensuring the maintenance of a file of all foster family agency incident investigation reports and Department complaint investigation reports, including the foster family agency action taken.

(G) Ensuring that incident and complaint investigation reports are kept confidential as required by Health and Safety Code Section 1538(b).

(b) The administrator may also serve in another personnel capacity provided he/she meets the applicable qualifications of both positions.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1531 and 1538, Health and Safety Code.

88065 PERSONNEL REQUIREMENTS **88065**

(a) In addition to Section 80065, excluding Sections 80065(e), (f) and (j), the following shall apply:

(1) No foster family agency administrator, supervisor, social worker or Board of Director(s) member shall be a certified parent of the foster family agency with which he/she is affiliated.

(A) Individuals certified before October 30, 1993, shall be allowed to continue as certified parent(s) until the children currently in placement are removed from the certified parent(s)'s home.

1. Individuals shall not accept additional placements from the foster family agency after October 30, 1993.

88065 PERSONNEL REQUIREMENTS (Continued) **88065**

(2) For any other employee or consultant of the foster family agency who is also a certified parent of that foster family agency there shall be a clear separation of that individual's employment responsibilities and his/her responsibilities as a certified parent.

(3) No administrator, supervisor or social worker employed by the foster family agency shall enter into any independent financial relationship or transaction with a certified parent of a home certified by the foster family agency, including but not limited to, rental agreements, personal cash loans, or sale, trade or transfer of property, unless:

(A) The independent financial relationship or transaction is found by the administrator and the Board of Directors to not represent a conflict of interest for the foster family agency or the individual; and

(B) The written finding and a full description of the relationship or transaction are recorded in both the personnel and certified family home files.

(4) All foster family agency personnel who have direct contact with children shall complete a minimum of one-hour training in the area of child abuse identification and reporting.

(5) All foster family agency personnel shall complete the training specified in Section 88022(a)(5).

(6) All foster family agency personnel, who provide care and supervision of a child, shall be trained on the existing laws and procedures regarding the safety of foster youth at school as contained in the California Student Safety and Violence Prevention Act of 2000.

(7) All foster family agency personnel shall sign the following statements:

(A) A statement acknowledging the provisions of Health and Safety Code Section 1540.2.

HANDBOOK BEGINS HERE

1. Health and Safety Code Section 1540.2 reads as follows:

For any person who, without lawful authorization from a duly authorized officer, employee, or agent of the department, informs an owner, operator, employee, agent, or resident of a community care facility, of an impending and unannounced site visit to that facility by personnel of the department is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed one thousand dollars ($1,000), by imprisonment in the county jail for a period not to exceed 180 days, or by both a fine and imprisonment.

HANDBOOK ENDS HERE

(B) A statement acknowledging the child abuse and neglect reporting responsibilities in Penal Code Section 11164 et seq.

88065 PERSONNEL REQUIREMENTS (Continued) **88065**

(8) The foster family agency shall employ staff necessary to perform the duties as follow:

(A) An administrator as specified in Section 88064.

(B) A social work supervisor meeting the qualifications specified in Section 88065.2.

(C) Social work personnel meeting the qualifications specified in Section 88065.3 and the ratios outlined in Section 88065.5.

(9) Each suboffice shall maintain social work personnel who meet requirements specified in Sections 88065.3 and 88065.4 to perform the functions of the suboffice.

(10) The foster family agency shall have qualified social work personnel available on a 24-hour basis to respond to any emergencies within a two-hour period.

(11) The foster family agency shall employ or retain professionals and consultants necessary to implement the plan of operation.

88065 PERSONNEL REQUIREMENTS (Continued) **88065**

HANDBOOK BEGINS HERE

Education Code section 32228 provides:

"(a) It is the intent of the Legislature that public schools serving pupils in any of grades 8 to 12, inclusive, have access to supplemental resources to establish programs and strategies that promote school safety and emphasize violence prevention among children and youth in the public schools.

(b) It is also the intent of the Legislature that public schools have access to supplemental resources to combat bias on the basis of race, color, religion, ancestry, national origin, disability, gender, or sexual orientation, as defined in subdivision (q) of Section 12926 of the Government Code, and to prevent and respond to acts of hate violence and bias related incidents. Sexual orientation shall not include pedophilia.

(c) It is further the intent of the Legislature that schoolsites receiving funds pursuant to this article accomplish all of the following goals:

(1) Teach pupils techniques for resolving conflicts without violence.

(2) Train school staff and administrators to support and promote conflict resolution and mediation techniques for resolving conflicts between and among pupils.

(3) Reduce incidents of violence at the schoolsite with an emphasis on prevention and early detection.

(4) Provide age-appropriate instruction in domestic violence prevention, dating violence prevention, and interpersonal violence prevention."

HANDBOOK ENDS HERE

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 11166.5 and 11174.1, Penal Code; Sections 1529.2, 1530, and 1540.2, Health and Safety Code; and Article 3.6 (commencing with Section 32228) of Chapter 2 of Part 19 of Division 1 of Title 1 of the Education Code.

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